



CITY COUNCIL STAFF REPORT

MEETING DATE:	11 August 2016
APPLICANT:	South Salt Lake City
PROJECT NUMBER:	T-16-001
REQUEST:	Land Use Ordinance Amendment for Title 17.06.130 home occupations, 17.03.010 definitions and 17.15 Commercial Land Use Matrix
PREPARED BY:	Michael Florence

SYNOPSIS: South Salt Lake City is petitioning the City Council to amend the land use ordinances regarding home occupations and removing inconsistent language related to gardening in Title 17.15 of the commercial land use matrix

SUMMARY:

- Staff has provided two versions of the proposed changes. The first is a marked-up copy that shows the changes highlighted in "yellow" and the other is a "clean" version that is prepared for adoption when the council is ready to pass the amended ordinance
- Consolidated the number of home office uses currently allowed into one home office use
- Increase the allowed floor area of an accessory structure that can be used from 10% to 25%
- Proposal for single family home occupations to count the parking in front of their home for customer parking
- Added a new use and definition called Home Craft Production
- Added a new use called Home Garden Produce Sales
- See the analysis section on the next page for more information on the above changes.



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Analysis:

- The proposed changes allow for additional flexibility in the types of home occupations while still protecting the character and quiet enjoyment of residential neighborhoods. Staff receives very limited calls regarding home occupation complaints and feels that there are more options that can be accommodated for a homeowner wanting to work from home.
- Under the current home occupation ordinance, home offices are permitted if no customers come to the home but are conditional if a customer comes to the home. Staff's proposal is to make home offices with customers a permitted use while applying the conditions of subsection (4) relating to how many customers and their vehicles may be on site at any one time. The ordinance also lists specific types of home office uses. Staff is proposing to remove a number of those uses since they are already considered generally as home office uses.
- The proposal recommends a new type of home occupation called a "home craft production and sales." The current ordinance already allows for home craft sales but the City receives interest from a number of home owners who want to produce items from their home and many times does not require equipment other than that which is already being used in the home.
 - Since this ordinance was reviewed by the planning commission, staff has added to the definition of Home Craft Production that a cottage food production must be conducted in the home and clarifying that this particular use cannot be conducted in an accessory structure. In addition, the definition of Home Craft Production allows for wood and metal working. It was recommended by the council's attorney that staff should research additional language to mitigate potential noise, dust and fire hazards that may come from commercial woodworking. Staff recommends the following language be added: "home craft production and sales, where machinery is used to create or construct the item to be produced and do not involve reportable or regulated quantities of hazardous or flammable substances, where such operations will not generate noise, dust, odors or fire hazards."
- Regarding parking, the amended ordinance would allow single family home occupations to count the parking in front of their home for customer parking. Under the current ordinance, customer parking can only be counted if it is located on the driveway. The ordinance still only allows two customers on the premise by appointment only which should help to minimize any traffic or parking concerns.
- Title 17.15 has two conflicting uses regarding urban agriculture and neighborhood gardens. The ordinance states that urban agriculture is allowed in all zoning districts but neighborhood gardens are permitted and conditional in only a few districts. The proposal is to remove neighborhood gardens as a use from the matrix and just use the urban agriculture use. The definition of Urban/Community Agriculture and horticulture is as follows: "the use of backyards, roof-tops,

balconies, vacant lots, parks, and other open land in and around the City for the growing of food crops within an urban environment by formal or informal community groups or organizations.”

- The amended ordinance would modify the allowed square footage that can be used in an accessory building or garage as part of a home occupation. Then current ordinance allows for 10% and the amended ordinance proposed increase the percentage to 25%.

General Plan Considerations:

Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Goal LU-12. Adopt design standards for business and commercial areas.

Goal HE-5. Strict development and design standards should be adopted that will result in desirable, modern and attractive houses.

Ordinance Requirements and Considerations:

Land Use Amendment Procedure:

17.01.150 Amendments.

- A. Amendments to the Zoning Map. Amendments to the zoning map shall be made in compliance with the provisions of this chapter and Utah State Code Annotated.
- B. Initiating Amendments and Corrections. Any citizen, property owner, the planning commission, the city council, or the community development director may initiate proposals for change or amendment of the South Salt Lake General Plan or any chapter or regulation of this code or the official city zoning map.
- C. Application. Any person seeking an amendment to the land use code or zoning map shall submit an application with the community development department indicating the change desired and how the change will further promote the goals and objectives of the general plan. Application will be processed and noticed to the public, when applicable, according to this code and Utah Code Annotated. Applications will be processed in an efficient manner in order to not cause the applicant unwarranted delays.
- D. Planning Commission. The planning commission shall:
 1. Fulfill all duties outlined in state statute that are to be performed by the planning commission.
 2. Prepare and recommend to the city council the general plan or amendments to the general plan, any proposed land use ordinance or ordinances and a zoning map, and amendments thereto that represent the

planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.

3. Hold a public hearing on a proposed land use ordinance or zoning map amendment.

E. City Council. The city council:

1. May adopt or amend:

- a. The number, shape, boundaries, or area of any zoning district on the official city zoning map;

- b. Any regulation of or within the zoning district; or

- c. Any provision of the development code.

2. The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as indicated in this code and Utah State Code Annotated and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate. The city council is not bound by any recommendation from the planning commission.

17.05.110 Purpose of the land use code.

- A. The purposes of this title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the city's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- B. To accomplish the purposes of this chapter, the city may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that it considers necessary or appropriate for the use and development of land within the city, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

- C. This code is adopted to implement the city of South Salt Lake's general plan and to promote public health, safety, convenience, aesthetics, welfare, stable land values, efficient land use, sustainable land use and building practices, crime prevention, transportation and accessibility, and efficiency in land use review and administration.
- D. The land use code is also established to facilitate orderly growth and development in the City of South Salt Lake and to enhance the lives of the citizens of the city.
- E. The land use code intends to establish a fair and efficient process for development and land use applications, as accomplished through the delegation of powers among city officials and a transparent review process.

Recommendation:

The planning commission unanimously recommended approval of the amendment to the home occupation ordinance, definitions and changes to the land use matrix regarding urban agriculture.

Attachments

1. Planning Commission meeting minutes

Planning Commission Regular Meeting Minutes
Thursday, March 17, 2016
City Council Chambers
220 East Morris Avenue
Time 7:00 p.m.

Commission Members Present: Rachael Lauritzen, Presiding
Holly Carson
Laura Vernon
Susan Dickstein
Jeremy Carter
Brandon Dalton
Jonathan Meakin
Spencer Walker

Staff Members Present: Michael Florence, Community Development
Director
Alexandra White, City Planner
Hannah Vickery, City Attorney

Moment of Reflection: **Chair Lauritzen**

Pledge of Allegiance: **Commissioner Vernon**

Motion to Approve the Agenda
Commissioner Carson

Second to the Motion: **Commissioner Carter**

Vote: **Unanimous**

New Business

• **T-16-001**

A recommendation to the City Council to amend Chapter 17.03, 17.06.130, and 17.15 of the South Salt Lake Municipal Code to modify the Allowable Uses for a Home Occupation and to remove conflicting language regarding Neighborhood Gardens from Title 17.15.

Action Item

Address 220 East Morris Avenue

Applicant South Salt Lake City

Mr. Florence presented the staff report and stated that a number of citizens and residents have approached the City regarding the Home Occupation Ordinance and the allowed uses. The ordinance is fairly strict, and staff made proposed changes to add flexibility. Currently, the only permitted home occupation is a home office use where there are no customers. The proposed language would change several of the conditional uses to permitted uses that would have to follow the conditions already outlined in the ordinance. The following uses would be considered permitted: home office with limited customers, home garden/produce sales, barber and beauty shop, home craft production and sales, small cottage food production, music tutoring and general educational instruction limited to no more than two students at a time, and dressmaker/milliner/tailor occupations. Ms. Florence stated that many of the conditional uses would be removed from the conditional use list because staff felt that they fell into the home office category.

The Commission discussed the limitation on the number of students for the music tutoring use. Chair Lauritzen felt that dance instruction could be included but most classes would have more than two students. Commissioner Carter suggested that the language specify two students or 20% of the home space, whichever is larger. This would allow classes of about five small children, if the resident has the space in their home.

Commissioner Walker expressed concern for traffic and parking. The permitted uses would be allowed two customers per hour and no more than two vehicles on site. The ordinance also requires that two off-street parking spaces be made available. The Commission deliberated on this requirement and most believed it was reasonable to allow on-street parking.

Ms. White brought up the possibility of having more than one home occupation in a multi-family structure, stating that this may cause parking concerns. The Commission decided to only allow on-street parking for occupations in single-family homes. Mr. Florence asked that instructions be included in the motion to allow staff to add additional language before presenting the report to the City Council.

Chair Lauritzen opened the public hearing. There were no public comments. Chair Lauritzen closed the public hearing.

Mr. Florence stated that staff felt that the Code had conflicting language regarding neighborhood gardens and urban agriculture. Currently, Urban Agriculture is allowed in every district in the City, while Neighborhood Gardens are restricted. Staff chose to remove the Neighborhood Gardens language completely and continue to allow Urban Agriculture in all districts.

Motion to recommend the City Council amend Chapter 17.03, 17.06.130, and 17.15 of the South Salt Lake Municipal Code to modify the allowable uses for a home occupation and to remove conflicting language regarding neighborhood gardens from Title 17.15, with the modifications discussed by this body regarding the greater of two customers or 20% and the discussion regarding parking on surface street.

Motion: Commissioner Carter

Second on the motion: Commissioner Walker

Vote: Unanimous

Commission Business

Motion to continue approval of the March 3, 2016 Planning Commission Meeting Minutes.

Motion to Approve: Commissioner Vernon

Second the motion: Commissioner Meakin

Vote: Unanimous

Staff Business – Information Items

There was no staff business.

Adjournment

Motion to Adjourn: Commissioner Carson

Second: Commissioner Meakin

Vote: Unanimous

The Planning Commission Meeting adjourned at approximately 8:30 p.m.

For Planning Commission

**Michael Florence
Community Development Director**